

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C.R.No.6683 of 2005

Date of Decision : December 05, 2006.

Satish Batta

..... Petitioner

Vs.

Commissioner under Workman  
Compensation Act and another

..... Respondents

Coram : Hon'ble Mr.Justice P.S.Patwalia

\* \* \*

Present : Mr.Tajender Joshi, Advocate  
for the petitioner.

Mr.Vikas Singh, Advocate  
for the respondents.

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**P.S.Patwalia, J. (Oral) :**

The present revision petition has been filed challenging order dated 29.8.2005 vide which an application filed for setting aside of ex parte award was dismissed by respondent no.1 inter alia holding that the provisions of Order 9 Rule 13 CPC were not applicable to those proceedings. The aforesaid contention is not tenable in view of a Division Bench judgment of this Court in the case of ***Suresh Kumar vs. Smt. Daryai and others, (1996-3) PLR 379*** holding that provisions regarding setting aside of ex parte decree are applicable to proceedings under Workman Compensation Act.

In this view of the matter learned counsel for the parties are agreed that in case the petitioner is to deposit a sum of Rs.50,000/- before respondent no.1 within a period of one month, which would be released to workman, then the ex parte order can be set aside and the matter decided by

respondent no.1 on merits.

In view of the aforesaid the ex parte award is set aside. The petitioner would deposit a sum of Rs.50,000/- before respondent no.1 within six weeks from today which would be forthwith released to respondent no.2. On doing so respondent no.1 would decide the matter on merits. The payment of a sum of Rs.50,000, made to the workman, would be adjustable in terms of the final order passed by respondent no.1.

The present revision petition stands allowed in the aforementioned terms. Let the parties appear before respondent no.1 on 18.12.2006.

December 05, 2006  
*monika*

( P.S.Patwalia )  
Judge